

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

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CIVIL ACTION NO. 9:22-CV-70

## ZACHARY THOMAS TETER.

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**ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The District Court referred Plaintiff's Motion for Default Judgment [Dkt. 8] to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration and disposition.

On July 20, 2023, the Magistrate Judge entered a Report and Recommendation [Dkt. 18] in which she recommended granting the motion and entering default judgment reforming the following:

- (1) Adjustable-Rate Home Equity Conversion Deed of Trust, filed for record in the Tyler County, Texas property records in Book 834, Page 208 under Instrument No. 06-1598;
- (2) Assignment of Deed Trust/Mortgage filed for record in the Tyler County, Texas property record in Book 877, Page 43 under Instrument No. 07-2717;
- (3) Corporate Assigned of Deed of Trust filed for record in the Tyler County, Texas property records in Book 972, Page 797 under Instrument No. 09-5937;
- (4) Assignment of Deed of Trust filed for record in the Tyler County, Texas property records in Book 1234, Page 976 under Instrument No. 20-665; and
- (5) The Foreclosure Sale Deed filed for record in the Tyler County, Texas property records in Book 1244, Page 849 under Instrument No. 20-2204.

Additionally, the report recommended that the full description of the Property described in each of the foregoing should be reformed as follows:

BEING 10.00 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF TWO 5.04 ACRE TRACTS, PART OF A 5.44 ACRE TRACT AND ALL OF A 5.20 ACRE TRACT IN THE WILLIAM H. BROWN SURVEY, ABSTRACT 76, IN TYLER COUNTY, TEXAS. SAID TRACTS ARE MORE FULLY DESCRIBED IN CONTRACT OF SALE & PURCHASE BETWEEN WALTER P. ANDERSON AND TEXAS VETERANS LAND PROGRAM IN VLB ACCOUNT NO. 1-73780. SAID 10.00 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF THE J. H. MEANS 3 ACRE TRACT 20 FEET SOUTH 00 DEGREES 21 MINUTES 00 SECONDS EAST FROM A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SAME IN THE CENTERLINE OF A COUNTY MAINTAINED ROAD AT THE NORTHWEST CORNER OF SAID 5.04 ACRE TRACT;

THENCE NORTH 89 DEGREES 26 MINUTES 41 SECONDS EAST ALONG AND WITH THE CENTERLINE OF SAID ROAD AND NORTH LINE OF SAID 5.04 ACRE TRACT AT 445.30 FEET PASS A POINT AT THE NORTHEAST CORNER OF SAID 5.04 ACRE TRACT SAME BEING THE NORTHWEST CORNER OF SAID 5.44 ACRE TRACT AND AT A TOTAL DISTANCE OF 647.32 FEET TO A POINT IN CENTERLINE OF SAID ROAD;

THENCE SOUTH 13 DEGREES 46 MINUTES 39 SECONDS WEST AT 20.65 FEET PASS A 2 INCHES PIPE ON THE SOUTH RIGHT OF WAY LINE OF SAID ROAD AND AT A TOTAL DISTANCE OF 895.76 FEET TO A 2 INCHES PIPE ON A NORTHLINE OF THE U. S. A. PARK BOUNDARY LINE FROM WHICH A CONCRETE MONUMENT MARKED "BC-22" BEARS SOUTH 71 DEGREES 42 MINUTES 48 SECONDS EAST 22.00 FEET;

THENCE NORTH 71 DEGREES 42 MINUTES 48 SECONDS WEST ALONG AND WITH NORTH LINE OF SAID PARK AT 365.20 FEET CROSS THE NORTH LINE OF SAID 5.04 ACRE TRACT SAME BEING THE SOUTH LINE OF ANOTHER 5.04 ACRE TRACT AND AT A TOTAL DISTANCE OF 452.40 FEET TO A 2 INCHES PIPE AT THE SOUTHEAST CORNER OF SAID J. H. MEANS 3 ACRE TRACT IN THE WEST LINE OF SAID 5.04 ACRE TRACT;

THENCE NORTH 00 DEGREES 21 MINUTES 00 WEST ALONG AND WITH THE EAST LINE OF SAID J. H. MEANS 3 ACRE TRACT AT 212.85 FEET PASS THE NORTHWEST CORNER OF SAID 5.04 ACRE TRACT SAME BEING THE SOUTHWEST CORNER OF SAID 5.20 ACRE TRACT AND AT 701.78 FEET PASS A 5/8 INCHES REBAR ON THE SOUTH RIGHT OF WAY LINE OF SAID ROAD AND

AT A TOTAL DISTANCE OF 721.77 FEET TO THE PLACE OF BEGINNING  
CONTAINING 10.00 ACRES OF LAND.

Finally, the report recommended that said Default Judgment should state that the judgment is *in rem* and not a personal judgment against the Defendant. To date, the parties have not filed objections to the report.

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge [Dkt. 18] is ADOPTED. Plaintiff's Motion for Default Judgment [Dkt. 8] is GRANTED. The Court enters default judgment as set forth above. A final judgment will be issued consistent with this order.

SIGNED this 1st day of September, 2023.



Michael J. Truncale  
United States District Judge